SHAUGHRAUN VS. SKIBBEEAH.

The Great Boucicault and Hart Controversy.

The Plagiarists of the Drama---Rags and Tatters.

WHICH IS THE ORIGINAL?

A Spicy Encounter Between Opposing Counsel.

FIRST KNOCK DOWN FOR HART

The United States Court room was crowded yesterday morning on the occasion of the second meeting between Dion Boucicault, of Wallack's Theatre, of the first part, author of the "Shaughraun," and Josh Hart, of the Theatre Comique, of the second part, the champion of "Skibbecah." The latter piece Mr. Boucleauit claims to be an infringement of his play. This soft impeachment Mr. Hart denies, and hurls back the charge with definne most aggravating, from the fact that, while he fairly acknowledges that his work is an adaptation from several plays and novels-an olia podrida of dramatic gems, in lact— Mr. Boucleault's is similarly pirated, but not with ball the ability shown by his stage manager, Mr. Stout, in his "Skibbeeah." The parties were not accompanied by the principal characters in the two pieces-their dogs, Tatters and Rags-but they were by counsel. Mr. O'Gor-man appeared for Mr. Boucleault, while ex-Judge Busteed and Messrs. A. W. Purdy and Lewis Post were present for Mr. Hart. The principals, of unattended by any of his professional friends, while Mr. Hart had a host surrounding nim.

Judge Woodruff baving taken his seat counsel on either side prepared to champion their princi-

The case of Boucicault against Hart having been called on, Mr. Purdy, with the extraordinary alacrity that belongs to him in an encounter with s ideman worthy or his steel, sprang to his feet and opened his argument with a motion to ad-lourn, as they were not prepared.

Mr. O'Gorman opposed the motion, and the

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sideration and as a mere act of generosity and courtesy on the part of the plaintiff.

Mr. Busteed—That branch of the case will be specifically replied to at the proper time.

Mr. O'Gorman—Then you can have no objection to the realing of the letters.

Mr. Purdy—They are not attached to the papers.

Mr. O'Gorman—The claim will be that some iteense or permission was given by the plaintiff, and it they do this it will be in the way of prolonging the case.

and it they do this it will be in the way of prolonging the case.

Mr. Busteed—No such claim will be made on this motion or in any stage of the case. I state distinctly that no such claim will be made, neither on the argument of the motion nor on the trial of the case.

Mr. Purdy—We make our claim upon our right only, not upon any act of generosity or courtesy of the plaintiff.

Mr. O'Gorman—If you confine yourselves to your rights only there will be no difficulty.

Mr. Busteed—That is exactly w at we will de, and will make you confine yourself to your rights only.

and will make you confine yourself to your rights only.

Mr. O'Gorman said they had divided the labor between them, and that Mr. Busteed would devote himself to broving that there was no infringement of the plaintiff's play of the "Shaughraun." Now, iet me call Your Honor's attention in answer to his affidavit, which affidavit I hold in my hadd. On wednesday, the 3d of February, there appeared in the Herald and in Wilkes' Spirit of the Times a notice to managers throughout the United States.

Mr. Busteed objected.

The Court—They will have to connect that with the case.

Mr. Busteed ob ected.
The Court-Tiesy will have to connect that with the case.
Mr. Busteed—Let him go on. I shall follow.
Mr. O'Gorman—Take your chance.
Mr. Busteed—Yes, as this Court is organized, I am willing to take my chance.
Mr. Busteed—Yes, as this Court is organized, I am willing to take my chance.
Mr. Busteed—What are you reading?
Mr. O'Gorman—I read from a printed statement written by Mr. Hart, and which appeared in the New York Herald. (Mr. O'Gorman, having read the article, continued.)
Now, sir, was I wrong in saying that this man is a thie!—with the property found on his person, and the position I before referred to is the one he occuries here? Asking for delay till he can use what does not belong jo him? Is not that document presented to the public by him—an extract frem a criticism of his own performance, signed by his name—ist not a complete admission of plagiarism as could be set forth? What observation need I make after that? If Your Honor please, it these gentlemen want delay, if they will still go on acting this piece, which they admit is the same as ours, if they want that, is it not time for the Court to step in and say:—Gentlemen, if you want time to argue the motion be it so, but in the meantime you must not use the property you consess to have pagiarized from the plaintiff? I, there ore, ask Your Honor that there shall be an want time to argue the motion be it so, the the meantime you must not use the property you comes to have plagiarized from the plantiff? I, there ore, ask Your Honor that there shall be an at interim injunction. If they think they have rights let them sustain them at some future time; but, in the meantime, let them drop the pocket-

rights let them sustain them at some future time; but, in the meantime, let them drop the pocketbook.

Mr. Busteed rose to reply. He said:—When the apocryphal sky tails we will surely dy from the court room to catch apocryphal larks, when are supposed to exist in an apocryphal larks, when are supposed to exist in an apocryphal atmosphere. When that physical contortion of nature occurs then may the editorial comments and the editorial pen be allowed to take the place of judicial decrees and judgments. We do not stand in need of the sympathy of my learned irlend; it is very evident if we did we would not get it. The professional courtesy of an adjournment for preparation was asked by myself from Mr. O'Gorman on Saturday morning last, but counsel then said he leit obliged to deny it. He was, it is true, courteous in his denial, as courteous in his denial as he has been refined in the epithets which he hurled against our client. It is not for delay in any sense that we have made this motion for adjournment. It is not due to the administration of the laws of the indited to counsel on the other side as to the professional capacity of the gentlemen engaged on this side of the case to take the piace of the caim, tranquii administration demands. It is fortunate for our client, more fortunate still for justice that the disposition of this motion demands. It is fortunate for our client, more fortunate still for justice that the disposition of this motion demands. It is fortunate for our client, more fortunate still for justice that the disposition of this motion demands. It is not fine the land upon which this application is made, and which comes before your Honor fortified by lacts which mase it Your Honor's duty to grant the brief delay we seek. All men are not gifted by nature equally with the learned advocate representing Mr. Boucteault, His fame as an olator is nonorably enown and as universally admired. He is distinutionally the standard graces upon hits own periess eloquence.

Such is the adversery, Your Honor, we

and therefore, our motion or adjournment for access and therefore, our motion for adjournment for access and therefore, our motion for adjournment for account of the play of the "skinbean", which aft, honoccant friends on me other size my communeration that their claim's case in definee on as to access the motion of adjournment for a couple friends on the other size my communeration that their claim's case in definee on as to consume the mindight of the other of the size of the siz

raun" she does not appear in the "Skibbeesh." nor does the action in which she is concerned; I had no occasion to use the character, because it does not appear in "Pike O'Callaghan," the play upon which mine is cliefly based, and it was not suggested by any of the books to which I resorted for material, stuation and language; with regard to the interior scene changed to an exterior scene, that was suggested to me as early as September last, when I was informed that it had been used in Paris in the play of the "officer of Fortune," and therefore, as I believe, it is not original with Mr. conceault and that he has no proprierary right in it; with regard to the scene in the Irish wake, it was suggested to me by scene 3, on page 15, of a small drama entitled "Bryan O'Lynn," a farce in two acts, played several years ago at the Broadway Theatre by Barney Whilams; the language, as far as i know, is my own, except such as was copied from "Bryan O'Lynn," the farce referred to; in conclusion, Mr. Bart believes that from the knowledge derived irom constructing the "skibbeah" that the play of the "Snauzhraun" was taken, with slight exceptions, from the same books from which le copied, and that such similarity as each play bears to the other is solely due to the fact that both are, borrowed from the same authors.

Other affidavits were read on behalf of Mr. Hart,

similarity as each play bears to the other is solely due to the lact that both are, borrowed from the same authors.

Other affidavits were read on behalf of Mr. Hart. Then Mr. O'Gorman wanted to meet the strong case presented by the delence by offering other affidavits. Counsel found himself in a dilemma; he wanted time, which before he positively refused to grant the other side when asked for it. He threw himself on the Court; that tribunal could not grant any time, except with the consent of counsel, and in fact his appeal for delay now rested with his o. ponents. Another moment's conference with Mr. Hart and magnanimity prevailed. Mr. Purdy, addressing the Court with a face beaming again with the spirit of the lessen "that mercy it of others show that mercy show to me," said. "Your Honor, we are instructed by our client to extend the confessy of an adjournment to the other side." (suppressed applause.) The Court then adjourned till saturday.

Mr. Poole withdrew opposition in the case, and an order of injunction was granted restraining the performance of the burlesque Shockraun on his boards.

THE METUCHEN MURDER.

TRIAL OF MICHAEL SULLIVAN FOR THE MUR-DER OF FARMER TALMADGE-OPENING OF THE CASE IN NEW BRUNSWICK YESTERDAY.

The trial of Michael Sullivan, for the murder of Daniel Talmadge, a venerable and wealthy farmer of Metuchen, N. J., began yesterday at the Middlesex county Oyer and Terminer, at New Brunswick. The details of the case, as stated in the HERALD at the time and by the prosecution in opening for the State yesterday, are briefly these:-Mr. Talmadge was a man nearly seventy years of age, residing in Raritan township, near Metuchen, where ne was highly esteemed. On the alternoon of December 1, 1874, about four o'clock, he started from his house to go so, and soon after was seen by members of his family staggering out of the barn and leaning so, and soon after was seen by members of his family staggering out of the barn and leaning against the barn. He was found to be bleeding copiously from an unity wound on the head. The next day, in spite of the best medical attendance of the place, he died. He was known to be in the habit of carrying a large sum of money, but none was found on his person. Circumstances pointed strongly to the fact that Michael sullivan had way-laid the old man in the barn, robbed and murdered him. Sullivan had that day called on Talmadge for work. The latter said he had none. While there Sullivan saw Mr. Talmadge open his pecketbook and expose considerable money. Subsequently Sullivan was seen to follow Mr. Talmadge to the barn. On the same evening Sullivan was seen spending considerable money and drinking. He field the vicinity and on the Saturday night following was captured in Newark, on board a train of the Pennsylvania Raifroad. He was taken to the station house there, and on his person were found the old man's pocketbook and other evidence, showing that he must have been in the barn with the farmer.

A jury was found without much delay, and, after stating the case to the members and the Court, as outlined above, the prosecutor, Mr. Schenck, called to the stand

The widow of the Murdered Man,

Mrs. Anna laimadge. Her evidence corroborated the statement already given. She helped to attend her husband after the barn scene. He never spoke, being speechiess until his death. She identified sullivan as having been in her nusband's employment on the day of the murder and who saw him expose his money to change a ten-dollar bill for a neighbor.

meeting yesterday. A report to the following effect was received from the inspectors sent to

meeting yesterday. A report to the following effect was received from the inspectors sent to examine the sewer in Centre street:

The site of this sewer is what was once known as a part of the Goldect Pond, bounded by firster. Elin. Duane and Centre streets, at that time surrounded by march lands, through which many streams of water ran, having an outlet into the pond. When the sewer was built it was laid almost level, without a proper descent to convey matter discharged therein with sufficient velocity to the main sewer in Canal Street to keep. It free from depost, As a consequence the strain flowing there is always sluggish, for the several part of the several conveyed by considered in the several flowing the flowing son the line of the affect. The deposit referred to has also trequently caused the saver to fill with water during heavy rannals, which, instead of being conveyed into the sewer in Canal street. The deposit referred to has also trequently caused the saver to fill with water during heavy rannals, which, instead of being conveyed into the sewer in Canal street, would bear through the defective brick work of the sewer into the surrounding ground. Owing to the nature of the sill on which the sewer is built it has setted in many places forming traps for the reference of the fill with water than a consumity seneraling assects possions that must seriously affect the health of the adonning houses. One of these fraps or depressions extends from the middle of the block on which the city rises is leasted to Worth street, a distance of the late of the serious detriment of the sever in other traps of the several many shaces forming traps for the certains of this sewer to adequately drain his distrect a distance of the city rises is leasted to worth street, a distance of the city rises is leasted to worth street, a distance of the city rises is leasted to worth street a distance of the city rises is leasted to worth street a distance of the city rises is leasted to worth the buildings is one of the place.

The
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TRIAL BY JURY.

A BILL TO PROTECT THE JURY FROM THE

TO THE EDITOR OF THE BERALD :-A limitation, by positive enactment of law, should be placed upon the power of judges to comment on the testimony in their charges to juries. An evil of a grave character exists in their abuse of that power, which tends essentially to effect the spirit of popular and individual independence. The habitual and involuntary mis-treatment of the jury trial by some or the judges tends to destroy that spirit of independence necessary to free institutions. Instead of directory charges upon the law only, after the lacts have been permitted to go to the jury, some of the them, would appear to overlook, in some degree, mating to them their opinion of what should be the jury's verdict upon the facts. This, although it arises certainly from the best intentions on the part of the judges, gives to those particular per-

practical rights of a free State turn, and unless that be guarded freedom is but a name. It was never intended that a judge should suffer it to be believed that his opinion on a mere point of lact should control that of the jury. The evil which might grow out of this position would tend to utterly destroy the magnificent and fundamental right secured by the principle that the opinion of issue. History has told us that in the old countries such has been the conception of some of their judges of their infallibility that, instead of having

issue. History has told us that in the old countries such has been the conception of some of their judges of their inialibility that, instead of having used their powers as the saleguard of the people, they have from time to time abused this most sacred of principles to the endangering of civil right, the aggrandizement of their personal and political views, and the disparagement of the honor and independence of the Bar.

In reference to this particular subject, the Bar are to be viewed, in realition to the Court, as the agents or representatives of the people who have respectively intrusted with them their rights. The nonorable portion of them have from time immemorial presented a strong barrier between the encroachments of the Bench and the rights of the community, and they have never had cause to shrink from an honorable competition with the Bench when the issue has been the wreath of learning or the meed of merit. An equivocal judge is toe price of any country.

One preventive against the possibility of such an evil in this country as is above referred to, with respect to the judiciary of the Old World, and also against the more innocent practices of our own judges, as above stated, would be a law mandator upon the Courts, requiring them to charge the jury directly upon the law only, and expressly to charge them that as to the matters of fact upon the evidence before them it was not the province of the Court even to pass an ophinon, but that on that subject they, the jury, were the sole and excitative junction of weight of evidence is ueknown. Experience has sometimes taught communities to contemplate the judiciary with a respectivit, but cautious eye. Upon this delicate subject peculiar sentiments, nowever founded, would appear in some measure to find place in the public mad of our own community. The time quession of the functionary, and care should therefore be taken to relieve our system in the private or individual conduct or constructions of the functionary, and care should therefore be taken to reliev

Mr. W. H. G. 1970 St. L. 1970

VILLANY IN SOUTHPORT.

AN ATTEMPT TO ROB AND MURDER A WEALTHY

CITIZEN-ARREST OF THE ASSAILANTS. SOUTHPORT, Conn., Feb. 9, 1875. This town was thrown into intense excitement yesterday by the story of an attempt to rob and murder Colonel Burr Sherwood, a man over eighty years of age, a bachelor, very weathy and living alone in his own house, about two miles north of the village. The circumstances of the case are of such a character that the parration of them has frightened many to so great a degree that they cannot rest in peace at their homes unless protected by extra bars and locks; but these may have their minds quieted by the assurance that the outlaws, two in number, have been arrested. For reasons of policy their

The Colonel was sitting alone by his fire on Thursday night last when he was startled by a loud knock at the door. Opening it he asked who was there, and received in reply, "Mr. Gilman." Having had money transactions with Mr. Gilman, editor of the Southport Chronicle, the mention of his name threw the Colonel off his guard as to any fear of danger, and, as he turned from the door to get a lamp, two men walked in, closing the door after them and locking it. They selzed Mr. Sherwood, and placing their hands over his mouth and eyes and placing their hands over his mouth and eyes threw him backwards to the floor and gagged him by placing a sterk in his mouth, tying it back of his neck with strings. They did not succeed in tying his hands, but demanded that he should show them the receptacle where he kept his money. For many years the Colonel has had no laith in banks as places of safe deposit, believing his own house less liable to attacks from robbers, and has had from time to attacks from robbers, and has had from time to time large sums of money on hand. The robbers knew this and hence their visit. The Colonel relused to impart any information, when, with a hickory stick four leet long, he was struck on the head by the men, who untruer threatened to murder him if he did not disclose to them this information. His hands being free there was a long struggle, but he finally forced the men from him, and, reaching the door, opened it and rushed out, the scoundreis following and pushing him down upon the ice, He pulled the gag from his mouth and threw it over a fence close by, where it was found next day, lie then cried for help and was heard by two of his neighbors, Messra, B. S. Bunkley and D. H. Shetwood, who came to his rescue. The robbers fled before the arrival of these gentiemen. The Colonel was found in a dreadful condition, the blood flowing from his head and the wounds on his hands and hody. Two teeth were broken when the gag was forced into his mouth. The Colonel recognized his assailants and gave their names. They were yesterday arrested and will be taken before a magistrate to-morrow for examination.

PRESENTS FROM UNCLE SAM TO HIS threw him backwards to the floor and gagged him

PRESENTS FROM UNCLE SAM TO HIS PACIFIC NEIGHBORS.

(From the San Francisco Call.) The United States flagship Pensacola will soon leave this port with King Kalakana and his suite on board. The Vallejo Chronicle says that the steaming Monterey came down to this city on steaming Monterey came down to this city on Sunday with a neavy load of guns and ammunition, to be put on board the Pensacola, directed to "Colonel A. E. Steinberger, Honolulu, H. L." The guns shipped include one Gatling, two twelve-pounders, one Parrot gun and five cases of muzzie-loading Springfield rides (twenty to the case), with ammunition for each variety of gun. A large sex of clothing, American flars, bunting of dinerent colors, medicine chests, surgical instruents and other traps were also shipped. As Colonel Steinberger is a United States Commissioner to the government of the Samoon Islands, it is presumed that the military playthings are intended as a present to the powers that be in those distant isles. The Vailejo Chronicle regards it as a friendly overture, intended to gain the confidence of the people of the is ands more completely, probably with an ultimate view to annexation.

A SINGULAR DEATH.

[From the Hudson Register.] William H. Dusenbury, a prominent citizen of Halfmoon, Saratoga county, died on Tuesday. down an old cork. In doing so his knife supped and made an incision in the fleshy part of his thumb. A short time afterward he complained of an unaccountable pain. This was succeeded by numbress in the hand, alternating with excractat-ing pains. The unfortunate man rapidly grew worse until his death occurred. The the ry of the attending physician is that the cork was impreg-nated with poison, and that the kinte in passing turough conveyed enough into the wound to cause death.

MARRIAGES AND DEATHS.

MARRIED.

FROST-KINGSLAND.—At Glencove, L. I., on Tuesday, February 9, by Rev. John T. Middleton, John Mott Frost to Miss Mary Louise Kingsland, both

MOTF FROST to Miss MARY LOUISE KINGSLAND, both of Glencove, L. I.

New Orleans papers please cop;.

Lank—Spakhow.—On Moncay, February S, at the residence of the bride's lather, by the Kev. Dr. Terry, Wilbur F, Lane, M. D., to Jessie F., only daugnter of John Sparrow.

Leffingwell.—Connell.—At the residence of the bride's parents, on Thursday evening, February 4, by the Rev. Bishop R. S. Foster, of Cincinbatl, Mary E. Cornell and Charles R. Leffingwell, both of this city.

avenue, on Thursday, the Ith inst., at twelve o'clock.

Staten Island papers picase co by.

Staten Island papers picase co by.

Burking.—At Riverdale, on Sunday morning, the 7th inst., after a snort niness, Gliserr, eldest of oson of Eochever G. and Mary L. Burling, in the 22d year of misage.

Relatives and triends are invited to attend the fineeral services, at the residence of his father, on wednesday, the 10th inst., at two o'clock P. M. Carringes with be in waiting at Riverdale station for the 1 P. M. train from Thirlieth street; return at 221 P. M. to For y-second street.

Byrne.—At White Phans, February S. Francis R., only son of Eichard H. and Mary Byrne, in the tray of misage.

The frends of the family are invited to attend the interal, at their residence in the village, on Thursday next, at two o'clock P. M. Cannyk.—On sunday, February I., August Cannyk.—On Sunday, February I., August Cannyk.—On Sunday, February I., and the interal, on Wednesday, february IO, 170 mis late residence, corner of Corthanda avenue and 156th street, Melrose, New York, at 1515 of the o'clock P. M.

Cook.—At Falatine Bridge, N. Y., on Sunday,

street, on Wednesday, 10th inst., at one o'clock P. M., in citizens' aress. GEORGE W. ELY. Captain Commanding company. JOHN McGREEVEY, First Sergeant.

M., in citizens' dress. GEORGE W. ELY.

Captain Commanding company.

John McGreevery, First Sergeaut.

Keyes.—On Thesday, February 2, 1875, Francis Keyes, soungest son of John D. and Bridget Keyes, speningest son of John D. and Bridget Meyes, speningest son of John D. and Bridget Meyes, speningest son of John D. and Bridget Meyes, speningest son the sample son the

DIED.

ABBOTT.—On Tuesday, February 9, Dr. Lucy M. ABBOTT.

Notice of funeral will appear in Thursday's Heralds.
Boston papers piease copy.

ALLEN.—At Portland, Me., Sunday, February 7, Will D Noble Allen, Commander United States Ray, aged 30 years.

Ray, aged 30 years.

Aurhagh,—In Brooklyn, on Sinday evening, Territory 10, at two o'clock.

Aurhagh,—In Brooklyn, on Sinday evening, Territory 10, at two o'clock.

Aurhagh,—In Brooklyn, on Sinday evening, Territory 10, at two o'clock.

More church on the Heights, Brooklyn, on Wednesday, February 16, at one o'clock.

Beckwitz.—At Paterson, N. J. on Monday evening, February 16, at one o'clock.

Beckwitz.—At Paterson, N. J. on Monday evening, February 16, at one o'clock.

Beckwitz.—At Paterson, N. J. on Monday evening, February 8, F. C. Beckwitti, in the 5sth year of his age.

Funeral services on Thursday, 11th inst., at two o'clock.

Beckmax.—At the Windsor Hutel, on Tuesday, February 9, of pneumonia, Beskamin Andrews and finends of the family are residence of his brother fall-wow, No. 534 Leximon, and the fall-wites and finends of the family are invited to attend the funeral, from the Episcopal organic and February 2, of pneumonia, Beskamin February 3, of pneumonia, Beskamin February 4, of the february 3, of pneumonia, Beskamin February 3, of pneumonia, Beskamin February 3, of p

SERRIA.—On adding, reordary 8, of nears of sease, Mrs. Anna Maria Searie, in her 65th year.

Finladelpida and San Francisco papers please copy.

SHEVILL.—On Sunday, 7th inst., Sarah 8., wife of Benjamin Shevili, aged 49 years, 5 months and 3 days.

Resatives and friends of the family are respectfully invited to attend the inneral, from her fate residence, No. 59 Penn street, Brooklyn, E. D., on Wednesday, at two o'clock P. M.

SMITH.—At Stony Brook, L. L. February 8, NANCY, widow of the late Jonas Smith, in the 78th year of her age.

Functal from her residence on Thursday, 11th inst., at one P. M. The friends of the mining are respectfully invited to attend.

SERRY.—In Brooklyn, on Thesday, 9th inst., after a brief liness, Samuel Huntling Sterry, son of John and Mary Ann Sterry, in the 26th year of his age.

His remains will be taken to Sag Harbor, L. L., for interment.

STOLLER.—On Tuesday afternoon, February 9, after many months of patient waiting, entered into rest, Lewis Fredinand Stoller, in the 26th year of his age. He rests in the bosom of his Saviotr.

Helauves and friends, and also members of Pilegrim Lodge, No. 74, L. O. of C. F., win please attend the foneral, from the residence of his parents, No. 22 East Ninth street, on Taursday, February 11, at one o'clock P. M. Interment in Lutheran Cemetery. He trusted in Goo.

Tyle.—At Newark, N. J., suddenly, on Sunday, February 7, of pneumonia, Joseph H. Tyler, aged 62 years.